

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT
June 2001

1. Universal Waste Release Response

A universal waste transporter accidentally spills a container of universal waste pesticide onto soil while transporting the waste from a handler to a destination facility. According to 40 CFR Section 273.54, universal waste transporters must immediately contain all releases of or from universal waste, and appropriately manage any materials resulting from the release (e.g., cleanup equipment and contaminated soil). Once the cleanup residue is contained, may the transporter continue to manage the residue as universal waste under Part 273?

The cleanup residue must meet the Part 273 definition of universal waste pesticide for the transporter to continue to manage it as universal waste. The spilled pesticide residue is likely to be quite different in form and composition from the original universal waste. Therefore, the destination facility to which the universal waste is sent may not be able to, or permitted to, treat or dispose of such cleanup residue. If the transporter determines that the cleanup residue no longer meets the definition of universal waste pesticide in §273.9, then the transporter must determine whether the residue is hazardous (§273.54(b)). If so, the residue is subject to all applicable requirements in Parts 260 through 272, and the transporter is subject to the applicable RCRA Subtitle C generator standards in Part 262. If the transporter determines that the residue meets the definition of universal waste pesticide, then the residue can continue to be managed as universal waste (60 FR 25492, 25528; May 11, 1995).